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Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

AUG 26 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAGDISH M. NAGDA, ROBERT C. NIELSEN,
and GERRI L. PEPER

RECEIVED

SEP 02 2003

Application No. 09/388,261

Konrad Raynes
Victor & Mann, LLP

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on August 5, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On April 10, 2000, appellants filed an Information Disclosure Statement (Paper No. 4). It is not clear from the record whether the examiner fully considered the statement(s) (i.e., "Serial No. 09/422,593, filed 10/21/99") submitted or

Application No. 09/388,261

whether the examiner notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Also, on March 5, 2002, appellants filed Formal Drawings. A review of the file reveals that this paper was not entered on the Contents of the file. Appropriate action is required.

Accordingly, it is

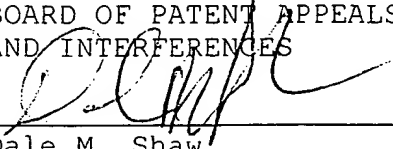
ORDERED that this application be returned to the examiner for: 1) consideration of the Information Disclosure Statement (Paper No. 4); 2) appropriate notification by the examiner to appellants of such consideration; 3) entry of the Formal Drawings filed on March 5, 2002; and 4) for such further action as may be appropriate.

Application No. 09/388,261

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


Dale M. Shaw
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DMS/tdl/mh
RA03-0500

NOTICE

Board of Patent Appeals and Interferences Mail Effective May 1, 2003

Appeals

All correspondence in an application involved in an appeal to the Board of Patent Appeals and Interferences during the period from when an appeal docketing notice is issued until a decision has been rendered by the Board of Patent Appeals and Interferences as well as any hearing confirmations, waivers and requests for rehearing of a decision by the Board of Patent Appeals and Interferences should be mailed to:

**Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
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Notices of appeal, appeal briefs, reply briefs, requests for oral hearing should be addressed to:

**Commissioner for Patents
P.O. Box 1450
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Interferences

All mail to the Board relating to patent interferences should be sent to the following address unless an administrative patent judge or the Board specifically requires the use of a different address after May 1, 2003:

**Mail Stop INTERFERENCE
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Any inquiries regarding the content of this notice should be directed to a Program and Resources Administrator of the Board of Patent Appeals and Interferences at (703) 308-9797.